

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION - CLEVELAND**

ROBIN MACBETH)	
8850 Evergreen Trail)	
Apt 207)	
Olmsted Township OH 44138)	
)	Case No
Plaintiff,)	
)	JURY DEMAND ENDORSED HEREON
v.)	
)	VERIFIED CIVIL COMPLAINT
NCO FINANCIAL SYSTEM, INC.)	(Unlawful Debt Collection Practices)
c/o CT Corporation System)	
1300 E. 9 th Street)	
Cleveland, Ohio 44114)	
)	
Defendant.)	

VERIFIED COMPLAINT

ROBIN MACBETH (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against NCO FINANCIAL SYSTEM, INC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein."
3. Because Defendant conducts business and is located in the state of Ohio, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person who resides in Olmsted Township, Cuyahoga County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by 15 U.S.C. 1692a(3).
6. Pursuant to the definitions outlined in 15 U.S.C. 1692a(1-6), Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a national corporation with a business office located in Cleveland, Ohio.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant placed collection calls to Plaintiff on her home telephone number from telephone numbers (866) 849-6441 and (866) 849-2438, seeking payment for an alleged debt.
11. Defendant told Plaintiff to use reference number 333-8945 when calling Defendant. (See Exhibit A)

12. Defendant called Plaintiff and failed to provide meaningful disclosure of the caller's identity as Defendant did not state its company name when leaving a voicemail for Plaintiff. (See Exhibit A)

13. Defendant left a voicemail on Plaintiff's home answering machine stating that Plaintiff owes a debt, and thus, disclosing Plaintiff's alleged debt to third parties. (See Exhibit A).

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692b(2) of the FDCPA by stating Plaintiff owes a debt on her family answering machine, and thus, disclosing Plaintiff's alleged debt to third parties.
- b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- c. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity.

WHEREFORE, Plaintiff, ROBIN MACBETH respectfully requests judgment be entered against Defendant, NCO FINANCIAL SYSTEM, INC. for the following:

15. Statutory damages of \$1000.00, pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k

17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, ROBIN MACBETH, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

By: /s/ Peter Cozmyk
Peter Cozmyk,
Attorney for Plaintiff

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF OHIO

Plaintiff, ROBIN MACBETH, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, ROBIN MACBETH, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

9.30.10

Date



ROBIN MACBETH